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UNIVERSITY OF ALBERTA

PEASANT WOMEN AND THE VOLOST COURTS IN POST EMANCIPATION SARATOV

BY

NANCY ELIZABETH SLAWSKI ©

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Master of Arts.

DEPARTMENT OF HISTORY

Edmonton, Alberta

Fall 1994

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The undersigned certify that they have read, and recommended to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled, "*PEASANT WOMEN AND THE VOLOST' COURTS IN POST-EMANCIPATION SARATOV* submitted by NANCY SLAWSKI in partial fulfillment of the requirements for the degree of MASTER OF ARTS.

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ABSTRACT

This thesis is a study of Russian peasant women in the nineteenth-century post-emancipation village and their relationship to customary law. The Emancipation Edict of 1861 established township courts of law to administer peasant justice. These courts (*volost'*) which adjudicated cases based on peasant traditions and customs did not entirely exclude peasant women from approaching the bench. Instead, large numbers of recorded cases involving peasant women have been documented in the seven volume Liuboshchinskii Commission report of 1874, on which the study is based. By utilizing law as an indicator in the assessment of their social and economic value it can be ascertained that peasant women were neither silent nor passive observers in the village. Instead, they played an active role, especially in the courts. However, the study maintains that their increasing activity in the village courts of Balashov district, Saratov province, was not indicative of any decay of patriarchy in the village, but instead reflected economic considerations. In conclusion the thesis illustrates that as the result of these economic factors, peasant women were able to utilize the township courts to have their voices heard in the peasant village.

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INTRODUCTION

The position of peasant women within the patriarchally dominated post-emancipation Russian village has been largely neglected by historians. The factors behind its neglect vary from a simple disinterest, to the difficulty of obtaining source materials from a largely illiterate peasant society. Regardless of the difficulties inherent in the research, a group of historians has begun to uncover a history in a field, which until recently did not exist.

The subject received little, if no, attention from Soviet historians, who adhered to a fairly rigid conception of nineteenth-century peasant life as denoting the end of the feudal period of history. A few notable Soviet accounts of the emancipated peasantry exist; however, there is nothing pertaining to the place of peasant women in the nineteenth century village.[1] Insofar as Soviet works examined the Russian village, it was either as part of a general survey of the revolutionary movement that would ultimately culminate in the October Revolution of 1917, or else as part of a class struggle, in which women as individuals were ignored.[2] Consequently, this introduction

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[1] For example, L.G Sakharova, "Samoderzhavie, biurokratiia i reformy 60-kh godov XIX v.v Rossii," *Voprosy istorii* 10 (1989).

[2] See, for example, I.I. Smirnov and N.E. Nosov, eds., *Krest'yanstvo i klassovaya bor'ba v feodal'noi Rossii* (Moscow, 1967).

confines itself to Western works on the question of peasant women in post-Emancipation Russia.

The approaches taken by Western historians to discover the role women played in peasant society in the period between 1861-1905 vary considerably. Historians David Ransel, Robert Johnson and Peter Czap Jr. have utilized family relations as an indicator of the state of peasant women.[3] Historians Rose Glickman, Richard Stites, and Laura Engelstein have examined the experiences of peasant women who have left the village i.e., prostitution and employer abuse.[4] As in this study, the relationship of peasant women to the customary law of the village as arbitrated through the *volost'* courts, may also be utilized as an indicator.

Several recent studies involving the role of peasant women in the post-emancipation Russian village and customary

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[3] David Ransel, *Mothers of Misery:Child Abandonment in Russia* (New Jersey:Princeton University Press, 1988); Robert Johnson, *Peasant and Proletarian:The Working Class of Moscow in the Nineteenth Century* (New York:Rutgers University Press, 1979); Peter Czap Jr., "Peasant Class Courts and Peasant Customary Justice in Russia, 1861-1912," *Journal of Social History* 2, no.2 (winter 1967-68):149-78; "Marriage and the Peasant Joint Family in the Era of Serfdom," in *The Family in Imperial Russia:New Lines of Historical Research*, ed. David L.Ransel (Chicago:University of Illinois Press, 1978).

[4] Rose Glickman, *Russian Factory Women:Workplace and Society 1880-1914* (Berkeley:University of California Press, 1984); Richard Stites, *Women's Liberation Movement in Russia:Feminism, Nihilism, and Bolshevism, 1860-1930* (New Jersey:Princeton University Press, 1978); Laura Engelstein, *The Keys to Happiness:Sex and the Search for Modernity in Fin-de-Siecle Russia* (Ithaca:Cornell University Press, 1992).

law have resulted in a variety of interpretations. Yet they have not examined exclusively those *volost'* court cases independently initiated by peasant women; and they have also concentrated largely on the regions of central Russia.

Beatrice Farnsworth's study of peasant townships of central Russia portrays peasant women as a particularly litigious group who were often successful before the township courts.[5] According to Farnsworth, peasant women often used the township courts in an effort to escape family "despotism".[6] The author maintains that by ruling in favour of women in cases of physical abuse, the township court was demonstrating first, that physical abuse of peasant women was no longer customarily accepted; and second, that the physical abuse of women was on the decline in economically prosperous peasant communities.[7] Hence, according to Farnsworth, the lives of peasant women at the end of the nineteenth-century were improving noticeably.

Rose Glickman takes a considerably more pessimistic view of the position of peasant women in the post-emancipation Russian village. Since the *volost'* courts were composed only of the men of the village, says Glickman,

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[5] Beatrice Farnsworth, "The Litigious Daughter-in-Law:Family Relations in Rural Russia in the Second Half of the Nineteenth Century," *Slavic Review* 45, no.1 (spring 1986):49-64.

[6] Ibid.,64.

[7] Ibid.,61.

peasant women did not have a voice to represent their interests.[8] Peasant women had neither direct access to the land, nor a role in the conduct of family or village affairs. In essence, they were "mute and powerless".[9]

The complete subordination of peasant women in the village, however, in no way indicates that they played an insignificant role in the peasant economy. According to Glickman the responsibilities of women increased following emancipation when men were forced to seek wage labour outside the village. Out-migration also brought about other changes in the village such as the development of the nuclear family. Nevertheless, Glickman holds that: "patriarchy may have been of a gentler variety with one male superior to contend with, but patriarchy...remained, down to the husband's prerogative to beat his wife, fully sanctioned by tradition and customary law."[10]

A more moderate approach to the study of peasant women and their role in society is provided by Christine Worobec and Barbara Alpern Engel. According to Worobec, in cases involving severe violence or a threat to the peasant economy, township courts would often rule in favour of the woman. For example, women who were married to "drunkards" or

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[8] Rose Glickman, *Russian Factory Women:Workplace and Society 1880-1914* (Berkeley:University of California Press,1984),29.

[9] Ibid.,29.

[10] Ibid.,33.

to men who were irresponsible with the household finances were more likely to receive a sympathetic ear from the *volost'* courts.[11] The examples of female success in court cases, however, maintains Worobec, represent only one side of the adjudications.

In contrast to Farnsworth's interpretation of peasant women, Worobec argues that the decisions of the *volost'* courts do not suggest any "fundamental" change in the position of women in the Russian peasant family.[12] Judges only sided with a woman when her husband clearly violated village custom. Furthermore, a woman who could not successfully provide the proof to back her accusations was punished by the court.[13]

Barbara Alpern Engel examines the changes in the Russian village that occurred as the result of both male and female out-migration. Engel argues that increased male out-migration enabled peasant women to gain greater control over the functioning of their own lives. Women, and their work, became essential to the running of the family and the village economy.[14] Consequently, the decisions of the *volost'* court involving peasant women reflected the

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[11] Ibid.,193.

[12] Ibid.,195.

[13] Ibid.,197.

[14] Barbara Alpern Engel, *Between the Fields and the City:Women, Work, and Family in Russia, 1861-1914* (New York:Cambridge University Press,1994),50-51.

importance of the "viability of the family economy" to the village. Engel notes that peasant women enjoyed an improved social and economic position as the result of out-migration. However, the author also makes clear that this was not the case throughout Russia. Instead, she maintains that in contrast to her study of the central Russian industrial regions, "oppressed pariahs", peasant women of the black earth region, continued to exist in peasant society.[15]

In the following study of peasant women, customary law is utilized as an indicator in the assessment of their social and economic value to the villages of Balashov district, Saratov province. It will be illustrated that the ability of peasant women to bring cases before the *volost'* courts of Balashov district was not indicative of any decay of patriarchy in the village, but instead reflected economic considerations. Furthermore, as the result of these economic factors, peasant women were able to utilize the township court to have their voices heard in the peasant village.

This study differs from previous investigations of peasant women in two primary respects: first, this study relies entirely on the utilization of court cases initiated by peasant women as an indicator of their value in peasant

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[15] Barbara Alpern Engel, "The Woman's Side:Male Out-Migration and the Family Economy in Kostroma Province," in *The World of the Russian Peasant:Post Emancipation Culture and Society* (Boston:Unwin Hyman,1990),277. The black earth region of the southern steppes of Russia is noted for its mineral rich black soil which provides excellent agricultural conditions.

society; and second, Saratov, a non-central Russian province has been selected as the geographic area of concentration in order to provide a broader and more representative reflection of the post-emancipation Russian Empire.

The first chapter of this study focuses on the establishment of the *volost'* court following the Emancipation of 1861, and its role in the arbitration of justice in the peasant village. The experiences of peasant women in the post-emancipation village are examined in chapter two. Chapter three provides both a brief geographical and historical background to Saratov province and a detailed look at *volost'* court cases initiated by peasant women. The final chapter analyses the aforementioned cases and subsequently provides a conclusion.

CHAPTER 1

EMANCIPATION AND THE ESTABLISHMENT OF THE *VOLOST'* COURT

The Emancipation Edict of February 19, 1861 freed over twenty-one million serfs, out of an estimated sixty million, who had been in bondage since 1649.[16] Those emancipated were the *pomeshchik* serfs, those belonging to private gentry estates.

Of the various statutes that constituted the Emancipation Edict, it was the "General Statute on Emancipated Peasants" which administered the peasant's acquisition of freedom and property rights. Under the Emancipation Statute landlords lost any privileges to the peasantry that they once held, such as taxation, and all direct authority over the peasantry.[17] Instead, the peasants were to be self-governing under the guidance of specific peasant administrative institutions.

Assigned land to the peasantry was executed on a collective, not individual, basis by way of the village communes (*sel'skie obshchestva*). This acquisition of authority over peasant land and its redistribution, together

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[16] A.Troinitskii, *The Serf Population In Russia:According to the 10th National Census* (St.Petersburg:Karl Vul'f Press, 1861),35,62.

[17] Peter A.Zaionchkovsky, *The Abolition of Serfdom in Russia* (Gulf Breeze:Academic International Press,1968),82.

with the collection of redemption dues, made the commune the primary administrative force within the village.[18] The commune was administered by village meetings (*skhod*) comprised of male heads of households (occasionally a female member in the absence of her husband) and the elected village elder (*sel'skii starosta*).[19] Among the numerous responsibilities of the village elder were policing duties, tax collection and the general maintenance of the village's public order.[20]

The peasant *volost'* or township was one administrative tier above that of the commune. The *volost'* was comprised of one or more communes with a population ranging between 300 and 2000 male souls.[21] The township directed the administration of "road and school maintenance, registration of deeds and agreements, and recording vital statistics for all the peasants within its territorial limits."[22]

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[18] Peter Czap Jr., "Peasant Class Courts and Peasant Customary Justice in Russia, 1861-1912," *Journal of Social History* 2, no.2 (winter 1967-68):150.

[19] Francis William Wcislo, *Reforming Rural Russia:State, Local Society, and National Politics, 1855-1914* (Princeton:Princeton University Press, 1990),31.

[20] Jerman Walter Rose."The Russian Peasant Emancipation And the Problem of Rural Administration:The Institution of the *Mirovoi Posrednik*" (Ph.D diss., University of Kansas,1976),67.

[21] Anatole Leroy-Beaulieu, *L'Empire des Tsars et les Russes,* vol.2 (Paris:Librarie Hachette et Co., 1882),5.

[22] Czap, "Peasant Class Courts," 151.

The township elder (*volostnoi starshina*) chaired the *volost'* executive board (*volostnoe pravlenie*). Those members on the executive board included: the township elder; village elders; occasionally, tax collectors (*sborshchiki*); and one elected delegate from every ten peasant households.[23] The authority wielded by the township elder over the *volost'* paralleled that of the village elder over the commune.

According to the Emancipation Edict, it was within these townships that the primary peasant legal institution was to be established, the *volost'* court. The *volost'* court was be the "smallest legal-administrative unit" established by the reforms of 1861.[24] These courts were to adjudicate according to peasant customary law. Michael Confino defines customary law as one that is mainly unwritten and

> exists only as embedded within ethical norms, religious beliefs, social representations, economic views, aesthetic perceptions, and labor habits....All of them are intertwined, and represent inseparable parts of a whole.[25]

Prior to the establishment of these customary courts of law, however, a debate regarding the appropriate legal form for the peasantry ensued.

The primary question plaguing Russian legal thinkers

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[23] Rose, 68.

[24] Cathy Frierson, *Peasant Icons:Representations of Rural People in Late Nineteenth-Century Russia* (New York:Oxford University Press, 1993),62.

[25] Michael Confino, "Russian Customary Law and the Study of Peasant Metalites," *Russian Review* vol.44(1985):36.

concerned which "legal culture" would prove appropriate for the establishment of a legal institution administering justice to the peasantry.[26] Cathy Frierson explains the existence of two legal cultures in Russia: customary law (*obychnoe pravo*); and formal legal codes and statutes (*zakon*).[27] According to Frierson legalists traditionally associated customary law with the village and *zakon* with the educated portion of Russian society.[28]

The final decision to retain customary law for the peasantry rested on a number of considerations, such as accessibility, familiarity with the legal system, preservation of peasant culture and traditions, and a general concern whether the peasants would be capable of understanding *zakon* law.[29]

The *volost'* courts were modelled on the state peasants courts established by the Kiselev Reforms in 1837-1839.[30]

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[26] Frierson, *Peasant Icons*, 55

[27] Ibid.

[28] Ibid.

[29] Rene Beerman, "Pre-Revolutionary Russian Peasant Laws,"in *Russian Law:An Historical Perspective*, ed. William E.Butler (Leyden:A.W Sijtnoff, 1977),184-85.

[30] Peter Czap Jr., "The Influence of Slavophile Ideology on the Formation of the Volost Court of 1861 and the Practice of Peasant Self-Justice Between 1861 and 1889" (Ph.D diss., Cornell University, 1959), 7. Count Paul Kiselev was the head of the Ministry of State Domains. His reforms included "the shift of taxation from persons to land, additional allotments for poor peasants, some peasant self-government, and the development of financial assistance, schools, and medical care in the villages...."

The Agricultural Division was placed in charge of administering these courts. State peasant township courts, however, were faced with numerous problems stemming primarily from overlapping bureaucracies, which left the courts with little or no autonomy in decision making.[31] Consequently, when developing a legal system for *pomeshchik* peasants, reformers attempted to avoid these earlier pitfalls, and henceforth created a more autonomous township court system.[32]

Initially the *volost'* courts were to be temporary institutions of peasant arbitration until they could be incorporated into the "general legal structure" of Russian law.[33] The township courts, however, remained an institution of peasant justice until 1912.[34] Under the Judicial Reforms of 1864 the *volost'* courts, together with the military and ecclesiastical courts, remained untouched. Instead of integrating the peasants into the newly reformed Russian legal system, the government chose to keep peasant law

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Nicholas V.Riasanovsky, *A History of Russia*, fourth ed. (New York:Oxford University Press, 1984), 328.

[31] Ibid., 12.

[32] These lasted until the judicial reforms of 1889 which basically undid what was accomplished in 1861. The *volost'* courts lost their distinctive autonomous nature as a result of overlapping bureaucracy. In other words, they basically adopted all the problems of the earlier state peasant courts.

[33] Beerman, 185.

[34] Ibid.

separate. One of the prime reasons for this decision was the large distance peasants would have to travel between villages and the state courts in order to settle what were considered petty disputes.[35] According to Samuel Kucherov, a prerevolutionary Russian lawyer,

> It is easily understood why these courts could not be included in the new judicial system of 1864, the main reasons being the...distance...which made it impractical for the peasant to make the trip to the justice of the peace for every petty quarrel or case of drunkenness.[36]

Hence, *volost'* courts succeeded not only in arbitrating peasant justice, but also in keeping the world of the Russian peasantry separate from the "general legal structure" of Russian courts.[37]

Elections for the four to twelve available *volost'* court judge positions were held on an annual basis.[38] Requirements for the position were only that the candidate be a male peasant with full rights in the peasant community.[39] According to the statutes of 1861, the *volost'* mayor and village elders were excluded from the position of judge because they were prohibited from judging fellow

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[35] Leroy-Beaulieu, vol.II, 296.

[36] Samuel Kucherov, *Courts, Lawyers And Trials Under The Last Three Tsars* (Connecticut:Greenwood Press, 1974.), 35.

[37] Beerman, 185.

[38] Ibid., 184.

[39] Czap, "Slavophile Ideology," 72.

villagers.[40] Because *volost'* positions were usually not paid a salary, few peasants wanted to participate, especially since it took them away from their own work.[41] In heavy out-migration villages, where the individual peasant depended completely on outside employment, however, judges were usually salaried.[42] Most other villages, especially rural ones, could not afford to pay their *volost'* members, although they occasionally relieved the peasant of specific chores (e.g., fence building) as a form of compensation.[43]

The jurisdiction of the *volost'* courts covered all seigniorial peasants of European Russia who had "received the status of free rural inhabitants".[44] The township courts were responsible for settling all claims involving "real estate and immovable property" of the commune and moveable property not exceeding 100 rubles.[45] Rarely was a peasant required to take a case involving property to a higher level

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[40] Beerman, 184.

[41] George Yaney, *The Urge to Mobilize:Agrarian Reform in Russia 1861-1930* (Chicago:University of Illinois Press, 1982), 21.

[42] Czap, "Slavophile Ideology," 79.

[43] Ibid., 78.

[44] Ibid., 53.

[45] *Bol'shaia Enciclopediia* vol.5 (1901) 415. Interestingly enough, peasants rarely, if ever, employed solicitors. From the *Trudy* it becomes clear that lawyers were considered outsiders, and henceforth not to be trusted. According to Czap "Peasant Class Courts," 161, peasants preferred to handle their cases themselves - *sam na sam*.

of court for there was little chance that an individual peasant, or family, held property in excess of 100 rubles.

According to Czap, crimes committed by the peasantry such as "theft, swindling, disorderly conduct, assault and battery, disturbing the peace, disturbing church service, blasphemy, drunkenness and immoral behaviour" were all punishable by the *volost'* court.[46] Punishments ranged from fines up to three rubles, arrest and imprisonment, up to seven days imprisonment, community service(usually reserved for women) and "twenty lashes with birch switches."[47] Cases involving abuse, physical and verbal, when incited by drunkenness were almost "universally treated as criminal" and henceforth punished by flogging.[48]

On the whole, peasants and the courts generally preferred flogging, as punishment, to fines and imprisonment.[49] Flogging was quick and had no long term effects on the village economy, whereas fines left the peasant a burden on the community, and imprisonment left the

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[46] Czap, "Peasant Class Courts," 153. Although crimes such as murder, grand larceny, and arson were legally outside the jurisdiction of the *volost'* it was not unheard of for these matters to be tried by the township court, instead of being referred to the state court. Ibid.,162.

[47] Frierson, *Peasant Icons*, 67-68;Zaionchkovsky, 99.

[48] Czap, "Slavophile Ideology," 63.

[49] Olga Semyonova Tian-Shanskaia, *Village Life in Tsarist Russia, ed.* David L.Ransel (Bloomington:Indiana University Press, 1993), 163.

household economy short of a labourer.[50]

An important and controversial member of the township court was the scribe (*pisar*). He was an outsider salaried by the village community.[51] Under the direction of the *volost'* elder and executive board the scribe was responsible for:

> ...the accuracy of the records he maintained and was answerable to the general courts for proven cases of falsification of those records. He was also charged with the responsibility of keeping in order all laws and regulations deposited with the volost....[52]

Because literacy among the peasant population was low, even among judges, an awesome autonomy and responsibility fell on the shoulders of the village scribe. Often the only literate person in the community, the scribe wielded considerable influence over legal interpretation, which left the village dependent on his expertise.[53]

The French nineteenth-century legal scholar and writer Anatole Leroy-Beaulieu expressed admiration for the *volost'* courts in Russia. He saw the *volost'* as a patriarchal institution which served as an arena where peasant women and children could seek legal redress and protection in the face of a husband or father prone to physical abuse or

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[50] Frierson, *Peasant Icons*, 67-68.

[51] Leroy-Beaulieu, vol.II, 21.

[52] Czap, "Slavophile Ideology," 48.

[53] Rose, 69.

drunkenness.[54] However, Leroy-Beaulieu was also quick to admit that the *volost'* court system was far from infallible. *Volost'* judges did not always take the side of the woman, even if physical abuse was obvious. The author cites a case in which the *volost'* judge imprisoned both husband and wife; the husband for beating her and the woman for leaving him.[55] The judge, obviously not feeling any concern for the woman's safety, imprisoned the couple together. Leroy-Beaulieu also notes that the *volost'* judges were reluctant to place harsh sentences upon the patriarch of the family for abusing his spouse. The harsher the penalty on the husband, the worse the revenge he sought on his wife for bringing him to court in the first place.[56]

The importance of maintaining the smooth running of the village economy was always one of the primary factors taken into account in *volost'* court cases. If a peasant woman's ability to fulfil her responsibilities to the village economy was inhibited because of beatings by her husband, the court would be more willing to become involved. The same economic philosophy applied to the issue of drunkenness. If the patriarch reneged on his economic responsibilities through drunkenness, or laziness, and consequently made his family suffer, the court would intervene in favour of the

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[54] Leroy-Beaulieu, vol.II, 300.

[55] Ibid., 302.

[56] Ibid.

wife and family.[57]

The loss of labour was not only felt by the family but the community as whole. In the case of a habitually drunken husband who was deemed incapable of contributing to the family and village economy, the court would occasionally consider transferring the household headship to the wife.[58] For the most part, however, *volost'* judges upheld the patriarchal norms of the village whenever possible and they "sided with a woman only when her husband exceeded community norms and plunged a household into economic chaos."[59]

Not all *volost'* courts, however, would consider a claim from a woman, regardless of what it involved. Christine Worobec notes that certain communities considered it against village norms for a woman to bring a case to court, especially if it was against her husband. For example, in the province of Novgorod, women attempting to take legal recourse were publicly "belittled" by the community.[60] If a *volost'* court did agree to hear a woman's plea, the burden of proof was hers. If the woman failed to substantiate her claim adequately before the courts she would be punished as

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[57] Christine Worobec, "Victims or Actors? Russian Peasant Women and Patriarchy," in *Peasant Economy,Culture,and Politics of European Russia, 1800-1921,*" eds. Esther Kingston-Mann and Timothy Mixter (Princeton:Princeton University Press, 1991),203.

[58] Ibid.

[59] Ibid., 204.

[60] Ibid., 201.

if she were the guilty party.[61]

Verbal and physical assault cases were not the only cases peasant women brought before the *volost'* courts. In fact, the majority of the *volost'* court cases dealt with property rights. Under Russian customary law the peasant woman, of a multiple family, had few if any inheritance rights over her husband's patrimony. Customarily, the only legal property rights a Russian woman held were those regarding her dowry, over which she retained complete control even after her marriage.

In the late nineteenth-century, however, with the decline of the large multiple peasant family household, and its replacement by a smaller nuclear version, the property rights of peasant women began to change. As the existing support network inherent in the multiple family quickly disappeared, peasant women were left in dire economic need.[62] In response to this problem the village began to customarily allot a widow from a nuclear household one-seventh to one quarter of her late husband's property.[63]

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[61] Ibid., 204.

[62] Teodor Shanin, "A Peasant Household:Russia at the Turn of the Century," in *Peasants and Peasant Societies:Selected Readings* 2nd ed. (Oxford: Basil Blackwell Inc.,1987), 25; Christine Worobec, "Customary Law and Property Devolution among Russian Peasants in the 1870s," *Canadian Slavonic Papers* 26, nos.2&3 (June-September 1984):231.

[63] Worobec, "Customary Law," 232;Beerman ,190. According to zakon, urban widows were only eligible for up to one quarter of their late husband's property.

In an attempt to gain some security, other than the often nonexistent charity of her in-laws, the widow of the multiple family began to seek property rights of her own in the *volost'* court.[64] The verdict of the courts regarding property depended for the most part on how the judges perceived the daughter-in-law's social and economic situation. For example, was she being treated unfairly by her in-laws, was she a hard worker, did she have children?.[65] If she was fortunate, the daughter-in-law (*snokha*) was able to gain enough of her late husband's property to live separately from her in-laws. According to Farnsworth, the daughter-in-law in peasant society quickly became one of the most litigious members of peasant society. Apart from property claims, she also brought cases to court against the physical and emotional abuse by her in-laws.[66]

A variety of criticisms regarding the effectiveness of the *volost'* court's ability to render justice existed in the nineteenth century as they do at present. One problem that appeared in most of the primary literature regarding the *volost'* was the availability of alcohol in the courts. Illustrating the immorality of the *volost'* court judges, Mackenzie Wallace quoted a popular peasant saying: "he who

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[64] Worobec, "Customary Law," 223.

[65] Farnsworth, "Litigious Daughter-in-Law," 54.

[66] Ibid., 55,58.

becomes a judge takes a sin on his soul".[67]

Drunkenness among the judges and those involved in the cases themselves seriously impeded the peasant judicial process. The problem of alcohol in the *volost'* courts was so great that townships, in an attempt to reduce drunkenness, changed the days when their court convened from Sundays and church holidays to midweek sessions.[68] According to the *prokuror* (district attorney) of Vologda gubernia, "many hearings on theft...involved nothing more than the court and the interested parties getting drunk at the expense of the accused...."[69]

Alcohol also played a prominent role in the bribery of *volost'* court judges. According to Cathy Frierson, justice in the *volost'* court often depended upon who could offer the judge the most vodka.[70] Consequently, the wealthier peasants rarely lost a case. The extent of the corruption in *volost'* courts is illustrated by a comment made by a rural lawyer who had complained about the predominance of alcohol and bribery in the courtroom: "With us there is one law - vodka. Whoever brings the most will be judged in the right. Whoever

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[67] Sir Donald Mackenzie Wallace, *Russia* vol.II (London:Cassell and Co., 1905), 212.

[68] Czap, "Peasant Class Courts," 159.

[69] Yaney, 27.

[70] Cathy Frierson, "Rural Justice in Public Opinion:The *Volost'* Court Debate 1861-1912," *Slavic and East European Review* 64 (October 1986):536.

is related to the elder or judges - he gets the decision. That's what kind our judges are."[71] There is no question, therefore, that alcohol and bribery occurred in the *volost'* courts, but at present, to what extent is unknown.

For the Russian peasantry, the *volost'* court was not always their first recourse of arbitration. Stephen Frank cites the Liuboshchinskii Commission's estimate that up to three quarters of all peasant disputes were settled in unofficial courts.[72] According to Peter Czap, peasants usually took their legal disputes to the village elder (*sud sel'skogo starosty*) for mediation, if they could not be solved within the family structure: "for the overwhelming majority of Russian peasants, the volost court was not 'the most proximate instance of justice,' but was the second and often the third instance of local self-justice."[73]

Contemporary historians of Russian peasant justice have demonstrated that peasants often turned to unofficial forms of justice. Cathy Frierson, Stephen Frank and Christine Worobec have all discussed the existence of a legal "duality" within the peasant world. This term refers to the existence of two very different concepts of justice in the

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[71] Ibid.

[72] Stephen Frank, "Popular Justice, Community and Culture among the Russian Peasantry,1870-1900," *Russian Review* 46 (1987): 243. The Liuboshchinskii Commission is described below.

[73] Czap, "Slavophile Ideology," 92-93.

life of the peasant; formal justice (state) and *samosud*: "the rural practice through which peasants took matters into their own hands and settled with a suspected offender through physical punishment, shaming, or exacting compensation."[74]

Both Frank and Frierson argue that although the practising of *samosud* was illegal, under the laws of the state, the village continued to practice it; first as an attempt to maintain the authority of the village, and second because they felt that the state did not adequately punish offenders.[75] According to Frierson, crimes deemed unimportant were presented to the *volost'* while important matters were reserved for *samosud*.[76] For example, the crime of horse theft was considered a serious offense by the peasantry because it could hinder their ability to economically support themselves. Hence, insufficient law enforcement, a very low rate of horse recovery, and the mild sentences handed down for horse theft, occasionally left peasants seeking their own form of justice.[77]

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[74] Cathy Frierson, "Crime and Punishment in the Russian Village:Rural Concepts of Criminality at the End of the Nineteenth Century," *Slavic Review* 46, no.1 (spring 1987):54.

[75] Ibid.,68.

[76] Ibid., 57.

[77] Christine Worobec, "Horse Thieves And Peasant Justice in Post-Emancipation Imperial Russia," *Journal of Social History* 21 (1987-88):284.

Not all crimes therefore were deemed as appropriate matters for the *volost'* court. This does not indicate, however, that the township court records are not an invaluable manifestation of peasant judicial practices. Although the *volost'* courts may have been avoided for certain cases, such as horse theft, they were not for matters pertaining to female litigation.

Women, unlike the men of the peasant community, did not have access to alternative avenues of legal recourse, especially since the latter were so embedded in patriarchal tradition. For the peasant woman, the *volost'* court became the last and only resort when family and the commune refused to help her escape the battery of her husband or secure property as a widow. It would be erroneous, therefore, to assume that *volost'* court cases involving physical abuse were unimportant to women. Insofar as the law regarded women, the legal duality of the village was not so pronounced.

In 1867, questions regarding the efficiency and effectiveness of the peasant township courts began to emerge. In response, Tsar Alexander II appointed a commission to examine the peasant courts and subsequently submit a study on the situation. Alexander II wanted the commission to "observe the courts in operation, inspect their records, solicit opinions about their work from the peasants, and take statements from local officials who had

experience with peasant justice."[78] Seven men were appointed to the commission, five from the ministry of justice, one from the MVD (Ministry of Internal Affairs), and its chairman, M.N Liuboshchinskii (Senate).[79]

The Liuboshchinskii Commission on the Reform of the *Volost'* Courts began its investigations in 1872. It developed a list of 28 questions concerning the number of cases tried, literacy rates, and salaries, in order to "elicit local opinion" and to "compile statistical information".[80] The methodology utilized by the Commission had a number of shortfalls. For example, the Commission did not visit all the *volost'* courts of each province; interviewers failed to ask the same questions consistently; and they did not record an equal number of cases from each district. Following the publication of the study's seven volume report, *Trudy Kommisii po preobrazovaniiu volostnykh sudov 1874*, a seven volume report was published in 1874. Following its publication, however, the findings were not followed up and the Commission itself passed into "administrative oblivion".[81]

Despite the numerous shortcomings of the study, it continues to remain the most thorough reflection of post-

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[78] Ibid.

[79] Ibid.

[80] Ibid.

[81] Ibid.,23.

emancipation peasant society and law. Furthermore, although its initial focus was not on women in peasant society, the study nonetheless provides valuable insight for the historian. By recording cases women brought to court regarding abuse, family and property, a glimpse into the world of women in peasant society is obtained.

The cases recorded by the Commission were complete. Omissions of case verdicts and punishment were not the fault of the commission but instead a consequence of the inconsistent nature of *volost'* case recording. Often, if cases were resolved amicably between the parties involved, the judge would not enter them into the records.[82] Furthermore, villagers tended to feel uncomfortable with the idea of their guilt being permanently recorded, especially by the *volost'* scribe.

The Liuboshchinskii study was the first and last of its kind and magnitude commissioned by the state. Peasant studies commissioned by the state which followed concentrated on agrarian production and the economy, not the social interactions within the peasant village. According to Yaney, following the Liuboshchinskii Commission, "bureaucrats from the central government did not reappear in peasant villages in their official capacities until the 1900's, and then their purpose was not to investigate

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[82] Czap, "Slavophile Ideology," 117.

peasants but to inspect their own subordinates."[83]

Despite the shortcomings of the *volost'* court and its administration, it nonetheless provided peasant women with an arena to voice their concerns which was not previously available to them. As will be illustrated in the following chapter, the lives of peasant women continued to be patriarchally dominated, even at the end of the nineteenth century. Furthermore, their economic and social burdens appeared only to increase following the Emancipation. Subsequently, the only opportunity available to them, in response to this increased hardship, was to approach the township court in the hope of achieving some relief.

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[83] Yaney, 34.

CHAPTER TWO

PEASANT WOMEN AND THE CHANGING POST-EMANCIPATION VILLAGE

> In important ways, the woman's position in both the family and the peasant community remained as it had been. The small family gave her neither greater rights to land inheritance-or even to land use in her own right-nor the right to the slightest participation in village affairs. Patriarchy may have been of a gentler variety with only one male superior to contend with, but patriarchy it remained.[84]

The position of the peasant woman in post-emancipation Russia was precarious to say the least. It rested on a delicate balance between tradition, patriarchy and the unstoppable progress accompanying the turn of the century. True, change did not affect village life with the same voracity and intensity as that of urban. Also when change did occur in the villages it was uneven. Whereas black earth villages continued to sustain their economy without having to depend heavily on outside incomes and industry, non-agricultural villages experienced the changing economy simultaneously with urban areas.

The peasant woman experienced the changes accompanying life in the post-emancipation village most dramatically. When her husband out-migrated for months, years at a time,

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[84] Rose Glickman, *Russian Factory Women:Workplace and Society, 1880-1914* (Berkeley:University of California Press, 1984), 33.

it was she who felt the burden of additional obligations. Yet, marriage to a migrant also gave her the opportunity to live in the absence of a male-dominated household. Smaller nuclear households presented the peasant women with a higher degree of independence without the overbearing nature of the in-laws. At the same time, however, the nuclear family also left the peasant woman increasingly reliant on the provisions of her husband. If he died prematurely, leaving her to raise her children alone and support the household economy, she became dependent on the assistance of the village community to help her cope.

The household (*dvor*) was the "primary socio-economic unit" in Russian peasant society.[85] Its purpose was both to maintain and expand a family's property for the benefit of future generations and to secure its welfare.[86] The head of the peasant household was customarily the patriarch of the family (*bol'shak*) or, in his absence, the female head (*bol'shaka*). The *bol'shak* was the peasant household's representative in the village. In addition, he was the household manager, mediator of disputes, and co-ordinator of

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[85] Peter Czap Jr. "Marriage and Peasant Joint Family in the Era of Serfdom," in *The Family in Imperial Russia:New Lines of Historical Research, ed.* David L.Ransel (Chicago:University of Illinois Press, 1978), 118.

[86] Richard L.Rudolph, "The European Family And Economy:Central Themes And Issues," *Journal of Family History* 17 (1992): 124.

family marriages.[87]

Women were crucial to the household economy. Male peasants saw them as a "valuable asset" much like their "draught livestock."[88] The burden of running the household economy was for the most part placed completely upon the their shoulders.

> Women were responsible for all housework, the preparation of food, cleaning, washing, the care of children, tending the cattle, and drawing water. Men helped in the care of livestock....Women fed the cows, calves, pigs, sheep, and fowl.[89]

Depending on the geographical location, her labours might also include a craft or trade (*kustar*), which provided additional household income. The peasant proverb "When the husband finishes work he relaxes, but for the woman, especially if she is married, there is no relaxation" illustrates the function of work in her life.[90]

Peasant women, even during pregnancy, were expected to perform all of their chores both within the home and outside

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[87] William T.Shinn, "The Law of the Russian Peasant Household," *Slavic Review* 20 (December 1961):605; Maxime Kovalevsky, *Modern Customs and Ancient Laws of Russia:Being the Ilchester Lectures for 1889-90* (London:David Nutt, 1891), 56.

[88] Peter Gatrell, *The Tsarist Economy 1850-1917* (New York:St.Martin's Press, 1986), 52.

[89] Sula Benet, transl. and ed. *The Village of Viriatino:An Ethnographic Study of a Russian Village from before the Revolution to the Present* (New York:Anchor Books, 1970), 95.

[90] Aleksandra Efimenko, "Obychnoe Pravo" in *Izsledovaniia Narodnoi Zhizni* Vol.1(Moscow:Izd. V.I Kasperova, 1884), 80.

in the fields.[91] Following the birth of her child, the peasant woman returned to labour in the field within five to seven days.[92] The average peasant woman gave birth to 8-10 children during her lifetime though only a fraction of these survived childhood.[93]

Peasant women were usually married by the age of eighteen.[94] Not being married by an early age stigmatized a peasant woman as a freak and "pariah" in peasant society.[95] In the peasant household the daughter was only supported until the day of her marriage at which time she became the financial burden of another family. Marriage eliminated any family inheritance rights once held by the daughter.[96]

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[91] Semyonova, 10.

[92] Ibid.,18.

[93] B.N Mironov, "Traditsionnoe demograficheskoe povedenie krest'ian v XIX - nachale XX v.," in *Brachnost', Rozhdaemost', Smertnost' v Rossii i v SSSR:Sbornik statei*, ed. A.G Vishnevski (Moscow:Statistika, 1977), 95.

[94] Peter Czap Jr., "Marriage and the Peasant Joint Family in the Era of Serfdom," in *The Family in Imperial Russia:New Lines of Historical Research*, ed. David L.Ransel (Chicago:University of Illinois Press, 1978),111.

[95] Gatrell, 53; Barbara Alpern Engel, *Between the fields and the city:Women,work,and family in Russia, 1861-1914* (New York:Cambridge University Press, 1994), 10-11. The majority of peasant women were married. It was highly uncommon for a woman to remain a spinster her entire life, especially since she needed a husband to support her financially. If she was unable to marry, she became dependent on the community for support or at the least work so that she could support herself. The average age for a first marriage was around 19-20 for women and 23-24 for men.

[96] Kovalevsky, 33; Worobec, "Property Devolution," 225.

Marrying into a multiple family household left the peasant woman subordinate not only to her husband, but to his siblings and parents. The size of multiple peasant families could include as many as thirty members.[97] As a member of a multiple family household, the daughter-in-law was obligated to take care of both the extended family and her own.

The image of the daughter-in-law (*snokha*) and the hardships she endured figures prominently in peasant folklore and proverbs:

> And who carries the water ? The daughter-in-law. And who is beaten ? The daughter-in-law ? And why is she beaten ? Because she is the daughter-in law. [98]

She was often perceived by her husband's family as an extra mouth to feed, a lazy addition to the household, a trouble maker and a "strategist" who would use any means to break up her husband's multiple family.[99]

The relationship between the *snokha* and the mother-in-law was often one of considerable abuse and hatred. *Volost'* courts were familiar with cases involving not only the physical abuse of the *snokha* by the father-in-law but also by the mother-in-law. Besides beatings and verbal attacks,

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[97] Benet, 93.

[98] Efimenko, 79.

[99] Cathy A.Frierson, "*Razdel*:The Peasant Family Divided," in *Russian Peasant Women*, eds. Beatrice Farnsworth and Lynne Viola (New York:Oxford University Press, 1992), 82.

sexual abuse against the daughter-in-law has also been recorded, though it is not known how widespread this was.

The practice of *snokhachestvo* has been referred to by historians of both nineteenth century and contemporary sources. *Snokhachestvo* was the rape of the *snokha* by the father-in-law in the multiple family. The father-in-law apparently perceived sexual favours from his son's wife as a customary right.[100] How accepted this practice was as customary in the village is not clear. Few documented cases exist in the post emancipation era. The fact that its practice was given a special term in peasant society does indicate, however, that at one point it was not a rare occurrence. It may account for the hostility of the mother-in-law towards the *snokha* and the latter's fear of her in-laws.

The wife of a peasant who had been recruited into the military, *soldatka*, led one of the most onerous existences in the peasant community. According to Beatrice Farnsworth, the fate of the *soldatka* was worse than that of a widow since she knew from the day her husband was recruited that her life would be one of hardship and loneliness.[101]

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[100] Glickman, *Russian Factory Women,* 28; Czap "Marriage and Peasant Joint Family," 105. Contemporary historians are undecided over the prevalence of the practice of *snokhachestvo* at the end of the nineteenth century in Russia and to what extent it was/was not customarily acceptable, if ever in the village.

[101] Beatrice Farnsworth, "The Soldatka:Folklore and Court Record," *Slavic Review* 49, no.1 (spring 1990):60.

The *soldatka* was perceived as a burden on the village economy, especially if she had children. In the absence of her husband, the *soldatka* was shunned by other female family members and consequently became more of a servant (*batrachka*) without household rights.[102] In an attempt to regain her rights in the post emancipation era the *soldatka* brought her grievances before the *volost'* courts. The theme of her cases paralleled those of the peasant widow, involving primarily property rights. According to A.A Titov, peasant women did not fear humiliation when bringing cases to court against their in-laws, unlike cases involving their husbands.[103]

While the mother-in-law was assisted in the running of the household by her daughter-in-laws, the latter could only rely on the assistance of their own children. Young girls were expected by an early age to have acquired specific household skills such as spinning by the age of eleven, and weaving by the age of fifteen or sixteen.[104] Inability to perform such traditional tasks made girls the focus of mockery among other peasant women.

Divorce was rarely an option open to peasant women,

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[102] Ibid.,63.

[103] Ibid., 71;Farnsworth, "Litigious Daughter-in-law," 62.

[104] M.M Gromyko, "Traditional Norms of Behaviour and Forms of Interaction of Nineteenth-century Russian Peasants," in *Russian Traditional Culture:Religion,Gender and Customary Law, ed.* Marjorie Mandelstam Balzer (Armonk:M.E Sharpe, 1992), 229.

even in the case of severe abuse. Divorce was frowned upon by the Orthodox Church which strictly limited its accessibility. A divorce was considered only under the conditions of adultery, spousal abandonment (more than five years), and the incapability of "conjugal relations".[105] In addition, the expense of a divorce which required documents, travel, and postage, was often more than most peasant women could afford.[106]

WIDOWS

Numerous proverbs exist about the well known plight of the widow in peasant society such as: "a wife without a husband is always an orphan" and the "first wife is from God, the second from man, third, from the devil."[107] Widows comprised almost 14 percent of the Saratov population in 1897.[108] Widows, like the *soldatki*, experienced a difficult existence in peasant society. The village, because it was communally responsible for the payment of taxes, resented widows and saw them as a burden.[109] In the case of her husband's death, and the lack of adult males to take over, a

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[105] Engel, *Between the Fields*, 26.

[106] Ibid.

[107] Mironov, 86, 93.

[108] A. Troinitskii, *Obshchii Svod po Imperii:Rezultatov' Razrabotki 1897* (St.Petersburg,1905),56.

[109] Christine Worobec, *Peasant Russia:Family and Community in the Post-Emancipation Period* (Princeton:Princeton University Press, 1991),23.

woman customarily became the household head until her sons were old enough to inherit the title.[110]

A woman householder lacked security: at any moment the commune could remove her right to manage the land leaving her fate in the hands of others.[111] The number of women householders per village was usually quite small.[112] Their numbers, however, depended on geographic location and custom.[113] For example, in northern villages, where a high percentage of peasant men migrated great distances for labour, the communal assembly was composed of a large number of women.[114] Despite their status of householder in the village, and their ability to sit in the village assembly, Glickman suggests that in actuality, the voices of women in village affairs were not respected, but rather ignored and even "despised" by men.[115]

> The commune was a sort of democracy, but a democracy of a minority male heads of household, under whose interests were subsumed the interests

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[110] Rose L.Glickman, "Women and the Peasant Commune," in *Land Commune and Peasant Community in Russia:Communal Forms in Imperial and Early Soviet Society, ed.* Roger Bartlett (London:Macmillan Press, 1990), 327.

[111] Ibid.

[112] Ibid. Glickman estimates that in 1879-80 in the provinces of Novgorod, Khar'kov, Tver' and Simbirsk there were only 1.5% women householders and 4.1% in Kazan in 1905.

[113] Geroid T.Robinson, *Rural Russia Under the Old Regime* (Berkeley: University of California Press, 1960), 286.

[114] Leroy-Beaulieu, vol.II, 26.

[115] Glickman, "Women and the Peasant Commune," 328.

> of the majority: the landless, adult men who were not yet heads of household, and almost all women.[116]

The allotment system of land redistribution in the peasant community often turned out to be inequitable for the widow. Since the amount of land a household possessed depended on the number of adult members, a widow with small children tended to suffer. If she was fortunate enough, the commune would make an exception in her favour to retain the land, or a portion of it, until she remarried or her children were of age to manage it.[117] Without assistance, the widow was forced to search for work outside the village to support herself.

If no one was willing to help her harvest her land she was forced to hire someone who in return for their labour would receive a portion of the harvest. Widows also had to hire individuals to do heavy agricultural work, i.e., clearing, and ploughing.[118]

IMPRESSIONS OF TRAVELLERS

Impressions of the status of peasant women from foreign travel accounts provide an interesting perspective. Accounts of British travellers tell of the harsh nature of life for the peasant women in comparison to European women. Sir

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[116] Ibid., 329. The village assembly represented those interests of the universal suffrage, not including women and minors.

[117] Worobec, *Peasant Russia*, 22.

[118] Benet, 23.

Donald Mackenzie Wallace gave a detailed account of peasant life in nineteenth-century Russia. He described the laziness of peasant men in comparison to the diligence of women.[119] British travellers appeared surprised, if not shocked, over the labour undertaken by peasant women, especially in the fields. Travellers recognized that peasant women lived as subordinates to men in all spheres of peasant life with the exception of labour, in which their burden often exceeded that of men.[120]

Female and male travellers' accounts differed somewhat in their perception of peasant women. While British male travellers tended to see women as "abject creatures", women travellers acknowledged that they were not completely victimized in peasant society.[121] Instead, in certain spheres, peasant women wielded varying degrees of authority. For example, with reference to their dowry rights, "the full and entire dominion which Russian women have over their own fortunes gives them a very remarkable degree of liberty and a degree of independence of their husbands unknown in England."[122]

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[119] Wallace, vol.I , 99-100.

[120] Jane McDermid, "Travellers Tales:British Reflections on Russian Peasant Women before 1900," *Scottish Slavonic Review* 10 (spring 1988):125.

[121] Ibid.,125.

[122] Ibid.,124. perceptions of two Irish sisters, Catherine and Martha Wilmot.

OUT-MIGRATION

Following the Emancipation Edict of 1861, peasant migration from the village to the city increased steadily. Several factors contributed to this increase, the most prominent being economic necessity. Following emancipation, the ineffective redistribution of land, a lack of arable land, high redemption dues, and *obrok* payments all contributed to the poverty of the peasant village.

Although peasant women migrated as well as their male counterparts, it is the village social structure in the absence of large numbers of males that is of importance to this study. Peasant villages with large numbers of out-migrants tended to be materially better off. Households of out-migrants had the trappings of urban life such as samovars, store-bought jams and baked goods, manufactured clothing and furniture.[123] The families of migrants became accustomed to their returning with goods from the city.

Out-migration in search of employment had repercussions on the structure of village life. With the loss of her husband's household labour, women were burdened with his share of the work. Yet, despite the increased workload, peasant women began to experience a new, albeit difficult and burdensome, independence. They became adept at handling

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[123] Joseph Bradley, *Muzhik and Muscovite:Urbanization in Late Imperial Russia* (Berkeley:University of California Press, 1985), 27; Barbara Alpern Engel, "Russian Peasant Views of City Life, 1861-1914," *Slavic Review* 52, no.3 (fall 1993): 449.

the household finances and matters that were traditionally in the male domain, such as village politics. Without the strong male presence the patriarchal nature of village life became somewhat diluted.

Bradley discusses these structural consequences on the village population in terms of a gender imbalance. Women composed up to 54 percent of the population in the Central Industrial Region, northwestern counties of Kostroma, and parts of Vladimir and Iaroslavl'.[124] Peasants referred to these regions as "women's land" because of the absence of large numbers of men over twelve years of age.[125] For example, in four villages of Soligalich county in Kostroma "50-75 percent of the adult men were gone during the summer, leaving the burden of farming to the women and children and the aged."[126]

Very few women migrated with their husbands, especially if they had children. Instead they stayed behind to manage the household. Women rarely saw their husbands once the latter had found work in the cities. Peasant women could not afford the time or the money to visit their husbands, and in extreme situations some wives did not see their husbands for

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[124] Bradley, 28.

[125] Ibid.

[126] Ibid.

periods as long as "three to five years."[127] When men did return home they were treated as guests, and were not expected to work since they contributed so much financially to the family economy.[128]

Out-migration had a variety of consequences on the lives of peasant women. For example, they did not have to "endure" the burden and dangers of childbearing as frequently.[129] Secondly, the smaller family enjoyed a higher standard of living and better nutrition, thus the mortality rate of their children decreased.[130] Interestingly enough, an increase in wifely infidelity was also attributed to out-migration. According to Engel, "wifely infidelity seems to have been widespread and connected directly to out-migration."[131] Lastly, and probably most significantly, women who were married to male migrants endured fewer beatings because of their husband's prolonged absences.[132]

Many peasant women, in an attempt to supplement the household income, engaged in paid labour within the village.

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[127] Barbara Alpern Engel, "The Woman's Side:Male Outmigration and the Family Economy in Kostroma Province,"in *The World of Russian Peasant:Post-Emancipation Culture and Society*. eds.Ben Eklof and Stephen Frank (Boston:Unwin Hyman, 1990), 70.

[128] Ibid.

[129] Ibid.,71.

[130] Ibid.

[131] Ibid., 74.

[132] Ibid., 73.

The quest to gain a supplemental income was achieved from the selling of produce and *kustar* production or cottage industry in the Central Industrial region.[133] Glickman defines *kustar* as the "independent production of handmade finished products for an undefined market".[134]

The prevalence of *kustar* varied between agricultural regions. Where the land was productive, such as the black earth regions, *kustar* was not as widely practised since a living could be made off the land. In regions where the land was not as fertile, *kustar* and migration were more common, and a larger percentage of women left for the cities especially once factories began to replace their craft.[135]

In post-emancipation Russia the number of migrant peasant women steadily grew. Despite this increase, however, it was not until the turn of the century that numbers rivalled those of men.[136] Prior to 1900, 95 percent remained in the village to manage the household.[137] Furthermore, the demand for male labour, in comparison to that for women, and the benefits it provided for the family left behind, limited

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[133] Robert E.Johnson, *Peasant and Proletarian:The Working Class of Moscow in the Late Nineteenth Century* (New Jersey:Rutgers University Press, 1979), 61.

[134] Glickman, *Russian Factory Women,* 38.

[135] Ibid., 47.

[136] Engel, *Between the Fields*, 129. By 1900, for every 1000 male peasants in St.Petersburg, there were 667 peasant women.

[137] Ibid., 44.

the number of women seeking outside earnings.[138]

According to Engel, those women who did migrate prior to 1900 were attempting to escape the injustices of patriarchy. For example, women who brought their husbands and in-laws before the *volost* court were often the ones who felt confident enough to out-migrate.[139] Hence, the majority of these migrating women were on the "margins" of peasant society, namely "widows, spinsters" and the impoverished.[140]

In the absence of male agricultural labour, women hired themselves out in the summer months to make an additional income. According to Engel, "unmarried women who wanted to buy themselves clothes, along with childless widows and soldier's wives" would take part in seasonal labour earning anywhere from twenty to forty rubles depending on how much they worked.[141] In the autumn and winter months women spent all their free time from household duties spinning and weaving for their family and to supplement their income. [142]

HOUSEHOLD DIVISIONS

If the *snokha* was fortunate enough she would be able to persuade her husband that a household of their own, apart from the in-laws, was a necessity. The traditional undivided

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138 Ibid., 43.

139 Ibid., 5.

140 Ibid.

141 Ibid., 43.

142 Benet, 95.

Russian peasant household, which was a multi-generational institution, began declining in the late nineteenth century. Undivided households could include from 20 to 30 members; grandparents, father, mother, children, grandchildren, nephews and nieces.[143] All these members worked together for a common purpose - the household economy.

In the decades following the Emancipation, especially in the 1880's and 1890's, divisions of large multiple families into smaller nuclear versions (*razdel*) became common. The census of 1881 reported an average of seven persons per "room of living space."[144] The percentage of household division in the province of Saratov between 1861 and 1882 was 54%.[145] Young married families began to desire a separation from the multiple family, which customarily did not occur until the death of the household head, so that they could live independently without the constant supervision of the in-laws.

The factors cited in division requests were: a multiple family economy resulted in the labourer supporting the lazy; it was unfair for an unmarried labourer to share his earnings with a married couple with children, since the latter did not bring in an income; and it was indecent for

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[143] Kovalevsky, 53-54.

[144] Benet, 93.

[145] Cathy Frierson, "Peasant Family Division and the Commune" in *Land Commune and Peasant Community in Russia, ed. Roger Bartlett (London:Macmillan Press,1990)*,310.

so many to live under one roof.[146] Peasant women were also cited as causing the division of households because they could not tolerate living with the mother-in-law.[147] Once it had been decided that a household would be divided, the village elder, who called a meeting of the village council, was notified. The council met in order to oversee the division of property, which the family accomplished by drawinnglots.[148]

Outsiders to the peasant village at the end of the nineteenth century perceived the increased division of households as a result of increased migration, individualism and the disintegration of patriarchy.[149]

EDUCATION AND LITERACY

Peasant women were the most illiterate sector of the Russian population. They had little opportunity or time for activities outside of their chores and household responsibilities. Wives of migrant labourers tended to have a higher literacy rate.[150] When husbands returned from the factories they occasionally taught their wives to read,

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146 Kovalevsky, 66.

147 Ibid.,67.

148 Semynova, 128-29.

149 Frierson, "Razdel:The Peasant Family Divided," 78.

150 Barbara Alpern Engel, "The Woman's Side:Male Outmigration and the Family in Kostroma Province," in *The World of the Russian Peasant:Post-Emancipation Culture and Society*, eds. Ben Eklof and Stephen Frank (Boston:Unwin Hyman,1990), 72.

especially if they considered it advantageous for the household economy.

Attitudes of the village towards educating women varied. Although an individual household might benefit from a literate woman, the entire village population did not necessarily feel the same way. Many peasants recognized the benefits which accompanied literacy, both for its utility and entertainment.[151] Yet, this does not infer that they actively supported their education. In fact, Eklof contends that the education of girls received little support among the peasantry: "it's a woman's business to look after the pots, not to read books."[152]

Rural schools for girls, on a small scale, did exist, and began to increase by the end of the nineteenth century. Nevertheless,in the absence of male labourers in the household, families were reluctant to send their children away for the day when chores needed to be done. Also, the education of girls continued to have low priority. They were much more valued for being "babysitters" than pupils.[153]

The education of girls was supported in heavy out-migration regions where the necessity of a literate wife to

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[151] Ben Eklof, *Russian Peasant Schools:Officialdom,Village Culture, And Popular Pedagogy,1861-1914* (Berkeley:University of California Press, 1986), 256.

[152] Ibid., 257.

[153] Ibid., 278.

handle household finances and communications was recognized.[154] In such regions, the literacy of a woman was often seen as an addition to her dowry upon marriage.[155] In contrast, where agriculture remained the primary source of income, villages tended to object most strongly to the education of girls.[156] Eklof estimates that not until after 1914 did peasant society on the whole acknowledge the necessity of a basic education for "survival".[157]

Literate peasant women had a tendency to remain unmarried by choice. They found their skills useful in the peasant village as teachers, "reading for the dead, and as healers who could augment oral folk remedies with printed herbaries."[158] Despite increases in the literacy of women, by the close of the nineteenth century the majority of peasant women remained illiterate. The 1897 Russian census indicates that only 13.6 percent of women in Saratov province, out of a population of almost two million, were literate.[159]

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[154] Ibid.,279.

[155] Glickman, "Women and the Peasant Commune," 333.

[156] Ibid.

[157] Ibid., 282.

[158] Ibid., 333.

[159] Troinitskii, *Obshchii svod po Imperii:Rezultatov' Razrabotki, 1897*, 41. The total female literacy rate for European Russia was only 13.5%;Robert Michell, Esq. "Summary of Statistics of the Russian Empire," *Journal of the Statistical Society* 35 (September 1872):367. The Saratov population in 1867 was 1,725,178.

The position of women in peasant society was strongly affected by the changes in the village economy. Whether or not her life would improve depended heavily on the geographical nature of her village. As illustrated, larger numbers of male migrants corresponded directly to increased literacy, child mortality, lack of abuse, decrease in family size and in some respects a lessening of the patriarchal ties that dictated the lives of peasant women. Hence, migration acted as a catalyst for change in the village. Where migration was not as widespread, the above changes were occurring but at a slower pace.

In the following chapter the nineteenth-century history and geography of Saratov province will be discussed. In addition, in order to assess the role which peasant women played in post-Emancipation Saratov, the cases they brought before the *volost'* courts will be examined.

CHAPTER THREE

PEASANT WOMEN AND THEIR *VOLOST'* COURT CASES

Unlike the provinces of Central Russia, Saratov's history has been largely overlooked. The reasons behind this overlook are twofold: first, it is distant from Moscow and St.Petersburg (see Map 1); and second, its large German emigre population gave observers the impression that Saratov was somewhat less representative of Great Russia than other regions. Yet this was misleading. Despite the number of emigres who settled in Saratov during the eighteenth century, the province's population remained largely Great Russian; approximately 76.7 percent.[160]

According to contemporary historians of Saratov, the province can accurately be viewed as a "reasonable microcosm of the issues and tensions" which faced imperial and revolutionary Russia.[161] Moreover, districts of northwestern Saratov with their black earth and "dense" population, including Atkarsk, Balashov, Serbobsk, and Saratov, closely paralleled the nineteenth century economy of the Central

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[160] Scott J.Seregny and Rex Wade, "Saratov as Russian History," in *Politics and Society in Provincial Russia:Saratov, 1590-1917, eds.* Rex A.Wade and Scott J.Seregny (Columbus:Ohio State University Press, 1989),2. Saratov's total serf population in 1861 was 657,545. A Troinitskii, *The Serf Population in Russia:According to the 10th National Census,*(St.Petersburg:Karl Vul'f Press, 1861), 35.

[161] Seregny & Wade, 2.

Agricultural Region.[162]

> The area [Saratov] came to include pockets of market-oriented estates using machinery, advanced crop rotations, and migrant wage labor, but was dominated by peasant subsistence agriculture and gentry estates utilizing peasant tools and work animals, traditional crop rotations, and labor procured through exploitative leasing and sharecropping arrangements.[163]

By the nineteenth century Saratov became the leading province industrially and commercially on the Volga. Apart from agriculture, flour milling and tallow manufacturing were among Saratov's leading industries.[167]

The *volost'* court records employed in this study have been chosen from the district of Balashov both because of the total number of cases available, and the complete nature of their documentation.[168] The cases examined derive from the seven townships of Balashov documented in the *Trudy Komissii po preobrazovaniiu volostnykh sudov* (*The Work Commission on the Transformation of the Volost' Courts*): Novo-Pokrovskaia, Malo-Semenovskaia, Kazachkinskaia, Tri-Ostrovskaia (Samoilovskaia), Peschanskaia, Bol'she-Karaiskaia, and Romanovka.

In this investigation numbers and percentages of cases

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[162] Ibid.,3.

[163] Ibid.

[167] W.H Parker, *An Historical Geography of Russia* (London:University of London Press, 1968),248. In 1867 Saratov produced 3000 rubles worth of tallow and milled flour.

[168] Troinitskii, 46. Balashov's total serf population in 1861, 98 236.

have been avoided. Instead, concentration has been placed on the unique character of each case. Since the majority of cases were mediated within the family, or village assembly, the number of cases which were actually brought before the *volost'* court cannot be relied upon. In addition, not all cases and/or decisions were recorded, especially if they had been resolved amicably.

Nonetheless, it is possible to extract key information from them; namely that peasant women were unquestionably, in the district of Balashov, coming before the courts. The establishment of *volost'* courts provided peasant women with an arena in which their concerns could be voiced. Regardless of outcome, by simply approaching the *volost'* courts peasant women were utilizing an institution, based on the traditions and customs of a patriarchal society, for their benefit.

Whether it was as victim, witness or actor, when peasant women approached the *volost'* court they were treated as independent members of peasant society.[169] By allowing

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[169] Suzanne Desan, "The Role of Women in Religious Riots during the French Revolution" *Eighteenth Century Studies 22 (1989)*:457-59. During the dechristianization campaign of the 1790's in France, women in the countryside who took part in illegal religious activities, i.e., broke into locked churches, rioting in favour of holding church services, were not arrested or punished since judicial authorities could not believe that women were capable of initiating such acts without the influence of men. Consequently, while women were not considered legal persons, their fathers, brothers, and husbands were held accountable for the women's illegal activity. J.M Beattie and J.J Tobias discuss this phenomena with reference to England. See J.J Beattie, *Crime and the Courts in England, 1660-1800* (Princeton:Princeton University Press, 1986),414 and J.J Tobias, *Crime and Industrial*

women to approach the courts, post-emancipation peasant society was acknowledging peasant women as persons under customary law. In other words, recognizing the right of peasant women to be active in customary law reflects the fact that peasant women played a role, whether it be economically and/or socially, that was valued in nineteenth-century peasant society.

Only those cases initiated by peasant women independently, together with those brought against peasant women accused of crimes, have been examined. By excluding cases initiated on a woman's behalf by family or spouse, a reflection of how the courts treated women independently can be ascertained.

The largest portion of *volost'* court cases involved peasant women and property. The securing of property for herself and her children was of primary concern for post-emancipation peasant women in Saratov province. In-laws, the death of a spouse, and army recruitment were constant threats to the securing of property, and are reflected in *volost'* court cases. This ability of peasant women, especially widows, to secure property through the township court distinguishes them from their urban counterparts who,

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Society in the 19th century (New York:Schocken Books, 1967),93.

under the Svod *Zakonov*, were only entitled to a dowry.[170]

The second largest number of cases involved verbal and physical abuse of women from within and outside the family, committed by both women and men.[171] Theft committed by peasant women appeared less frequently before the Balashov *volost'* courts as did theft cases brought by peasant women to the court. The lack of peasant women involvement in cases of theft is partially explained by the fact that, unless she was a widow, property was customarily handled by the husband or *bol'shak*. Even in the case of widowhood in-laws, sons, and the village community would often act as protectors of her property, especially if a crime against it had been perpetrated.

The following *volost'* court cases from Balashov *uezd* involving peasant women have been divided firstly by township, secondly by nature of the case, and lastly by the involvement of family and/or spouse.

NOVO-POKROVSKAIA *VOLOST'*

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[170] Rene Beerman, "Pre-Revolutionary Russian Peasant Laws," *in Russian Law:Historical and Political Perspectives*, ed.William E.Butler (Leyden:A.W Sijtnoff, 1977),190.

[171] Laura Engelstein, *The Keys to Happiness:Sex and the Search for Modernity in Fin-de-Siecle Russia* (Ithaca:Cornell University Press, 1992),103. Nineteenth-century St.Petersburg law professor Ivan Foinitskii concluded that the nature of rural and urban criminality for women differed significantly. Where urban women committed crimes of an "individual character", usually involving the fulfilment of their needs, and "personal interests", rural women tended to commit crimes involving family and commune.

Novo-Pokrovskaia was a township consisting of 1252 peasants.[172] The township housed two schools, one for sixty male students and one for twenty female students who studied from September to April. In Novo-Pokrovskaia *volost'* it was considered a criminal matter for peasants to withhold their children from school.

Officials of the *volost'* court were salaried. Salaries varied:the *volostnoi starshina* (township elder) received 132 rubles per year, the *sel'skii starosta* (village elder)received 5 rubles per year, and the *volostnoi pisar* (township scribe) received 120 rubles per year. As was customary, the *volost'* scribe was not native to the village, but rather a *meshchanin* (townsman).

Inheritance rights according to the customary law of Novo-Pokrovskaia township regarding peasant women have been detailed in the *Trudy*. Customarily the inheritance rights of a widow were as follows: if childless, she was entitled to 1/7 of her late husband's moveable property; with children she was entitled to the entirety of her deceased husband's moveable property. If, in addition to his moveable property, the widow was to receive her late husband's house, and it was without arrears, it became hers. If, however, arrears were owed on the house, it was to be sold and the money received from the sale was used towards paying off the

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[172] *Trudy Komissi po Preobrazovaniiu Volostnykh Sudov*, (7 vols.;St.Petersburg, 1874), microfiche. Hereafter *Trudy*. VI:586 &, ff.

arrears with any money left over returning to the widow.

As an unmarried daughter living in her family's household she was in no way entitled to inherit property from her parents. Only her brother could inherit, but if she was fortunate he might, out of charity, provide her with some property.[173] According to customary law, the only inheritance an unmarried daughter was entitled to was her *kladky* (dowry) which she could not touch until she was married.

CASES

PROPERTY:

Property cases of peasant women appearing before Novo-Pokrovskaia *volost'* court involved their desire to have a mutually contracted agreement with a family member regarding property legally ratified.[174] Peasant women S. and E., one a widow and the other a *soldatka,* asked the court to recognize these agreements.

Peasant S. sought the legal ratification for a portion of the property of her late husband, to whom she was married for seventeen years. At the time of her husband's death, her only stepson allotted S. several items from her husband's

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[173] *Trudy* VI:586 & ff., Despite the lack of entitlement to the patrimony of her father, the daughter was usually guaranteed security as long as she remained unmarried in the home - the *bol'shak* normally arranged for the care of his daughter by one of his sons, usually the one who received the bulk of the inheritance in his will.

[174] *Trudy,* VI:588 & ff. Cases from October 29,1871.

property i.e., grain, clothes, and livestock. Satisfied with the arrangement made with her stepson, peasant woman S. requested that the *volost'* court officially recognize her ownership of the aforesaid property.

A similar request of the township court was made by peasant woman E. regarding an agreement over property with her mother-in-law.

In both cases, once the mutual agreement had been orally presented to the *volost'* court, it became legal by the signing of their statement. In these two cases, however, because both women were illiterate, they were instead requested to shake hands on the agreement with a court official.

MALO-SEMENOVSKAIA *VOLOST'*

Malo-Semenovskaia was a township consisting of 1336 peasants.[175] Two schools were located in this *volost'*, one for twenty males, and a second that remained inoperative. The school term ran from September to March. The lack of priority placed on education in this township can be understood by the peasants' fear that literacy would entail additional work.[176]

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[175] VI:588 & ff.

[176] VI:588, In the peasant village, literate individuals were expected to take on extra, usually voluntary, duties such as sitting on village council, and translating and transcribing documents, which took them away from their work and reduced their free time.

Salaries of Malo-Semenovskaia *volost'* court officials varied. The *volostnoi starshina* received 140 rubles per year, the *sel'skii starosta* received 60 rubles, and the *pisar'* received 220 rubles per year. The township scribe, a state peasant, had worked for Malo-Semenovskaia for the previous four years.[177]

The customary inheritance rights of Malo-Semenovskaia peasant women, as outlined in the *Trudy*, were as follows: an unmarried daughter living in her family's household was not entitled to inherit upon the death of her parents; only the eldest son was eligible to inherit, unless a mediator ruled otherwise.[178] Widows with children were entitled to all of their late husband's moveable property; a widow without children, if she proved to be a "good woman", could receive a share of her late husband's property; a widow with a male child who was not chosen to inherit, could also receive a portion of her late husband's property; lastly, if left with only a daughter, the widow was not entitled to receive anything.[179]

CASES

ABUSE:

On November 17, 1871 peasant woman U.M. complained to the courts regarding her husband's, I.M., violent and

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[177] *Trudy*, VI:589.

[178] *Trudy*, VI:591.

[179] Ibid.

debauched behaviour.[180] Because of his violent behaviour U.M. and her father threw him out of the house.

The testimony of the court witnesses did not uphold U.M.'s accusations. Instead, witnesses testified that according to what they knew of I.M., he was not a violent character.[181]

Upon hearing the oral testimony of U.M. and the witnesses, the *volost'* court did not consider that U.M. had provided enough evidence to substantiate her claim and subsequently keep her husband from their home. Therefore it was decided that she and her father, in addition to reconciling with I.M., were to invite him to return to their home.[182] Furthermore, for insulting the *volostnoi starshina* and the *sel'skii starosta* with this unfounded case, U.M. was to be arrested and imprisoned under the jurisdiction of the township for five days.[183] The decision could be appealed in one month's time.[184]

KAZACHKINSKAIA VOLOST

Kazachkinskaia was a township consisting of 1904

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180 *Trudy*, VI:592.

181 *Trudy*, VI:593.

182 Ibid.

183 Ibid.

184 Ibid.

peasants.[185] The township itself was without any schools. Approximately fifty male students travelled to a nearby village, Sviashchenkika, to study.[186]

Officials of the Kazachkinskaia *volost'* court were salaried. Salaries varied from that received by the *volostnoi starshina,* 180 rubles a year, the *sel'skii starosta,* from 30-60 rubles, and the *pisar*, a townsman, 180 rubles per year.[187]

Customarily, the inheritance rights of peasant women were as follows: upon the death of the parents, the son was the only legitimate heir; the daughter had no entitlement, and could only receive a portion of her parent's property out of her brother's generosity.[188] A widow with children in Kazachkinskaia was entitled to all of her husband's moveable property; if she was not selected as the heir to inherit the entirety, and she had a boy, then she was entitled to a portion of her late husband's estate; however, if the widow was left with only a daughter then all she was entitled to receive was pity.[189]

CASES

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185 *Trudy*, VI:594.

186 Ibid.

187 Ibid.

188 *Trudy*, VI:596.

189 Ibid.

ABUSE:

On October 12, 1871, *soldatki* (soldier's wives) E. and I. complained to the *volost'* court that peasants G. and F., from townships Kazachkinskaia and Chikhchevskaia, respectively, brutally beat them.[190] Witnesses testified to the truth of their statements.

The *volost'* court ordered 20 lashes from a birch rod for each of peasants G. and F. Furthermore, both peasants were to be reconciled with the *soldatki* by paying the following: G. was to pay each peasant woman 3 rubles; F. was to pay E. 15 rubles, and I. 20 rubles. The *soldatki* were to receive their compensation by October 17.

PROPERTY:

November 21, 1871 peasant woman SH. complained to the *volost'* court against her brother-in-law over her late husband's property. Peasant woman SH. claimed that her brother-in-law P. wrongfully took 13 1/2 percent of the property from her late husband's estate that had been granted to her son A. In addition to taking the aforesaid property, P. had already received his own portion from her late husband's estate.

The *volost'* court decided that based on the evidence presented by SH. all 13 1/2 percent of the property that her brother-in-law had wrongfully taken was to be returned.

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[190] *Trudy*, VI:599 & ff.

TRI-OSTROVSKAIA VOLOST'

Tri-Ostrovskaia was primarily an agricultural township consisting of 5630 peasants. Three schools were located in Tri-Ostrovskaia, which 200 young male students attended. The township was without a school for girls. Students studied from September to March.

The salaries of *volost' court* officials were as follows: *the volostnoi starshina* received 400 rubles per year; the *sel'skii starosta* between 50 to 120 rubles; and the *pisar* 312 rubles per year.[191]

The customary inheritance laws of Tri-Ostrovskaia regarding peasant women were traditional and similar to those in Kazachinskaia and elsewhere: that the son was the only heir to the father's property; the daughter had no entitlements, although some property could be given to her out of generosity.[192] A widow with a son chosen to inherit from his father received a portion of her late husband's property; a widow with a son not chosen to inherit could also receive a portion of her late husband's property; however, a widow without a son was not entitled to inherit any property.[193]

CASES

PROPERTY:

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[191] *Trudy*, VI:600.

[192] *Trudy*, VI:602.

[193] Ibid.

Case involving family

On September 15, 1871, widow D. complained to the township court that her stepson, who had already been allotted property by way of household division prior to her husband's death, had taken more property from her following the death of her husband.[194] In addition to ruling in her favour, the *volost'* court demanded that the stepson reimburse her 107 rubles for the property he wrongfully took from her.

Case not involving family

On July 9, 1871, peasant woman R., before the *volost'* court, accused peasant T. of purposely sowing grain on her land.[195] Twenty-one witnesses confirmed her accusation. The township court ruled in favour of R. and compensated her by allowing her to take 30 percent of the grain that had been sowed by peasant P.

PHYSICAL AND VERBAL ASSAULT:

Not involving spouse

On June 11, 1871 peasant woman S. appeared before the *volost'* court claiming to have been assaulted by peasant woman N.[196] Witnesses E., S., and L. all supported S.' claim. They had observed the assault while they were watering the cabbage. According to the witnesses, N. hit S.

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[194] *Trudy* VI:611-12 & ff.

[195] *Trudy*, VI:609 & ff.

[196] *Trudy*, VI:608 & ff.

with a stick, gave her a strong punch which knocked S. to the ground and proceeded to hit S.in the left eye with her fists clenched.

The *volost'* court found N. guilty of the above assault, and to compensate S., N. was fined 10 rubles, which was to be paid to S. in the form of moveable property, or cattle.

Involving spouse

On December 21, 1871 a peasant woman petitioned the *volost'* court to hear the complaint of abuse at the hands of her husband and her desire to live apart from him.[197] The court refused her request, and ordered them to live together in one home, and that the peasant woman be reconciled with her husband.

In a similar case on March 17, 1871, peasant woman I. accused her husband of continuous cruel treatment and desired that he be removed from the household.[198] Instead of ruling on the case, the *volost'* court assigned the claim of peasant woman I. to a higher court (municipal).

THEFT:

Peasant women were both victims and perpetrators of theft in Tri-Ostrovskaia/Samoilovskaia *volost'*.

Perpetrator:

On August 31, 1871 *soldatka* S. was brought before the *volost'* court under suspicion of stealing cabbage from an

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[197] *Trudy*, VI:616 & ff.

[198] *Trudy*, VI:605 & ff.

artisan working in a brick factory.[199] After investigating this case, the court found that S. was indeed guilty of this "delinquency" and sentenced her to three days of imprisonment with only bread and water.

Victim:

April 15, 1871 peasant woman SH. brought before the *volost'* court a complaint regarding the theft of her cow from December 31, 1870.[200] She had decided against pursuing the loss of her cow in court until she heard that it had been stolen by fellow villagers peasant S. and peasant R. According to witnesses, peasant S. kept the cow in his shed for a week, after which time R. slaughtered it for beef.

The *volost'* court found that according to the testimony of witnesses, S. and R. did "indeed" owe peasant SH. a cow. The court subsequently granted SH. the right to request that such a serious matter be taken to a higher court.

PESCHANSKAIA *VOLOST'*

Peschanskaia was a township consisting of 3150 peasants.[201] The township maintained three schools with places for 150 male students and approximately 30 female students, the latter of whom were not in school, despite the

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[199] *Trudy*, VI:611 & ff.

[200] *Trudy*, VI:607 & ff.

[201] *Trudy*, VI:617.

availability of places.[202] Students attended school only during the winter months.[203]

Officials of Peschanskaia *volost'* were salaried. The salaries received varied. The *volostnoi starschina* received 220 rubles a year, the *sel'skii starosta*, from 40 to 80 rubles, and the *pisar* 250 rubles a year.[204]

The customary inheritance rights of Peschanskaia peasant women were as follows: upon the death of the parents the male heir received 6/7 of the moveable property and his sister 1/7.[205] If the widow was selected as the heir to her late husband's estate she received all of his property; if she was not designated as the heir, yet she had a son, she was entitled to a part of the estate; however, if she was childless, or had a daughter, she received nothing.[206]

CASES

PHYSICAL AND VERBAL ASSAULT:

Not involving spouse

(a) On May 30, 1871 peasant woman B. brought a complaint before the *volost'* court regarding her assault by peasant G. and his wife V. on April 27.[207] According to B., peasants G.

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202 *Trudy*, VI:618.

203 Ibid.

204 Ibid.

205 *Trudy*, VI:620.

206 Ibid.

207 *Trudy*, VI:621 & ff.

and V. beat her, injuring the middle finger on her left hand, then proceeded to steal produce from her garden.

Testimony provided by witnesses and V. did not support B.'s claim. Witnesses testified that they were unaware of any evidence which would support B.'s alleged assault by V. and G.

After hearing the testimony of G. and the witnesses, the *volost'* court found that insufficient evidence existed to find G. and V. guilty of B.'s accusations. The case was dismissed.

(b) On July 8, 1871 peasant woman G. brought a complaint before the township court regarding her verbal abuse by peasant woman B. Peasant woman G. alleged that B. insulted and cursed her several times using profane language.

Witnesses confirmed that both G. and B. were seen insulting and cursing each other. However, witnesses confirmed that B. was the more guilty of the two peasant women, and furthermore that G. had become involved only after B. had insulted her first.

Since neither woman would agree on the circumstances of the case, the decision was based on witness testimony. In its decision, the *volost'* court found B. the more guilty of the two women and subsequently fined her 3 rubles, which were to be paid to G., and sentenced her to twenty-four hours of community work.

PROPERTY:

On August 24, 1871 peasant woman K. brought a grievance against her stepfather B. regarding the property of her ten-year-deceased mother.

According to K., upon the death of her mother, B. took a large share of the estate for himself. However, written evidence, or witnesses to her accusations against B. were nonexistent. Furthermore, B.'s testimony did not corroborate K.'s statement. Instead, B. testified that upon his wife's death he did not take as large a share of the estate as K. claimed. Peasant B. explained that while K. lived with him and her mother at the time of her death, a dowry including clothing and livestock had already been transferred to K.

Upon hearing the testimony of both K. and B. the township court arrived at a decision. It decided that because of the lack of evidence provided by K., and the ten-year time period that had passed since the division of the estate, the matter would remain unchanged.

BOL'SHE-KARAISKAIA

Bol'she-Karaiskaia was a township consisting of 5640 peasants.[208] Two schools for 80 male students were located in the *volost'*. These students attended school from September to April.[209] Females did not attend the above mentioned

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[208] *Trudy*, VI:626.

[209] Ibid.

schools, but were allowed to study on their own.[210]

The salaries of the *volost'* court officials were as follows: the *volostnoi starshina* received 216 rubles per year; the *sel'skii starosta* did not receive a salary; and the *pisar* received 1000 rubles per year.[211]

Customary rights of inheritance in Bol'she-Karaiskaia *volost'* were as follows: the son was the only heir to the family estate; the daughter was without property rights, however, her brother could give her a portion of the family estate out of charity.[212] A widow, with male children, none of which was the selected heir, received a large portion of her husband's estate; if she was without children, then the widow depended on the charity of her mother-in-law; if she had a daughter then she received 1/7 of her husband's property; lastly, if a widow, with or without children, lived apart from her husband, she was entitled to inherit upon his death.[213]

CASES

PHYSICAL AND VERBAL ASSAULT:

On November 25, 1871 peasant woman C. brought a complaint before the township court regarding gun shots that

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[210] Ibid.

[211] Ibid.

[212] *Trudy*, VI:628.

[213] Ibid.

had been fired through the windows of her house.[214] Peasant woman C. accused peasants B., K., and A.K. of shooting at her window from the market square.[215]

Under questioning, peasants B., K. and A.K., testified that although they heard a gun shot in the market square, they did not witness who fired the gun.[216]

Based on the testimony of the witnesses, the *volost'* court decided that C.'s accusation lacked evidence, and her complaint was subsequently dismissed.[217]

THEFT:

On December 14, 1871 peasant woman S. complained to the township court that a horse harness had been stolen from her by peasant L.[218]

Upon investigating S.'s claim the *volost'* court found that L., in an effort to compensate himself for money he claimed S. owed him, had stolen her harness.[219] The court ordered L. to return S.'s harness.[220]

PROPERTY:

Involving in-laws

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[214] *Trudy*, VI:632.

[215] Ibid.

[216] *Ibid.*

[217] *Trudy*, VI:633.

[218] *Trudy*, VI:634.

[219] Ibid.

[220] Ibid.

On October 13, 1871 a *soldatka* complained that after her husband's death, her son T., the heir, abandoned her and the children.[221]

The trial uncovered the following; that from the inheritable property that T. possessed, he had selected seven parts of the moveable property for his mother, and divided the remaining property between them.[222]

The *volost'* court decided that T.'s division of his father's property was fair and upheld it.[223]

ROMANOVKA *VOLOST'*

Romanovka was a township of 2692 peasants.[224] The township housed one school for sixty male students who studied from November until spring.[225] Very few females studied, especially since the township did not provide them with a separate school.[226]

Salaries paid to *volost'* court officials varied. The *volostnoi starshina* received 200 rubles per year, the *sel'skii starosta* received 100 rubles, and the *pisar*, a state peasant who acted as a village *pisar'* for over twenty

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221 *Trudy*, VI:631.

222 Ibid.

223 Ibid.

224 *Trudy*, VI:634.

225 Ibid.

226 Ibid.

five years, received a salary of 600 rubles per year.[227]

The customary inheritance rights of Romanovka peasant women, as outlined in the *Trudy*, were as follows: only the son was entitled to inherit upon the death of the parents.[228] If a widow was chosen as her husband's heir she received all of his inheritable property; a widow who was not chosen as her husband's heir, and had male children, or was childless but in the favour of her mother-in-law, received a large portion of his estate. Lastly, a widow with only a female child was entitled to 1/7 of her husband's inheritable property.[229]

CASES

VERBAL AND PHYSICAL ABUSE:

On March 15, 1871 peasant woman O. took a complaint to the *volost'* court regarding verbal insults that had been directed at her by peasant K.[230]

Based on O.'s testimony, the *volost'* court found K. guilty of consciously insulting O.[231] Under customary law, K. was fined 10 rubles which were then given as compensation to peasant woman O.[232]

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227 Ibid.

228 *Trudy*, VI:636.

229 *Trudy*, VI:637.

230 *Trudy*, VI:638.

231 Ibid.

232 Ibid.

THEFT:

On July 8, 1871 peasant widow K. took a complaint before the *volost'* court regarding peasant P.'s theft of seedling potatoes from her field.[233]

An investigation of K.'s complaint was undertaken by the *volost'* court. The investigation found that peasant P. did indeed tear out forty seedling potatoes from K.'s field.[234] To compensate widow K., the *volost'* court ordered P. to provide her with two measures of potatoes by the end of August of that year.[235]

PROPERTY:

Involving family

On December 2, 1871 peasant woman F., widow of peasant L., took a complaint before the *volost'* court regarding property that her father-in-law owed her from her husband's estate.[236]

In March 1871, according to widow F., she had requested property, i.e., livestock, 30 rubles, and cloth, for both herself and her children from her father-in-law. Furthermore, he had agreed to her request. She complained that her father-in-law had yet to provide her with

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[233] *Trudy*, VI:639.

[234] Ibid.

[235] Ibid. The measure of potatoes was probably represented by puds.1 pud = 16.38kg.

[236] *Trudy*, VI:642 & ff.

aforementioned cloth and money. The *volost'* court found that the father-in-law did indeed owe F. and her children property. The court ordered that under *volost'* law, the father-in-law must fulfil his responsibility to provide K. with the remaining owed properrty.

Clearly, the above examination of cases involving peasant women and the volost court illustrates that a far-from-uniform pattern of adjudication existed in post-Emancipation Saratov. The following chapter, therefore, will provide an analysis of the various cases from Balashov district and subsequently draw some conclusions as to the position of peasant women in the nineteenth-century Russian village and their relationship to customary law.

CHAPTER FOUR

CASES ANALYSIS AND CONCLUSION

The selection of *volost'* court cases involving peasant women examined in the previous chapter is representative of all those documented in Balashov district. The court cases illustrate that peasant women of Balashov district were indeed active participants in customary law as witnesses, victims and perpetrators. The relationship of an individual to the legal institutions of his/her society can be utilized as an indicator of their own value, i.e., economic and social, to society. Hence, the ability of peasant women to establish a relationship with customary legal institutions founded under patriarchy is reflective of the value which peasant society placed on their role within the village. If the social and economic roles of peasant women were not valued in peasant society their use of the *volost'* court would have subsequently been curtailed.

By examining the introductory information provided for each township one conclusion becomes clear; the attitude towards peasant women and their role in the village was not a constant between townships. The variations in the priority placed on the education of peasant women and their customary inheritance rights reflects this: of the seven townships utilized in this study only Novo-Pokrovskaia housed a school

for girls, that they actually attended; at Peschanskaia, despite it having 30 school places available for girls to study, for reasons unknown none attended, and Bol'she-Karaiskaia, which allowed girls to study, however, lacked a school for girls. The remaining townships, while ensuring that a minimum number of boys attended school, did not consider the education of peasant girls a priority.

Mixed views between townships toward the status of peasant women in society also occurred in the details of inheritance listed in the *Trudy*. While the rights of male inheritance remained relatively constant, the rights of peasant woman varied considerably. Some townships maintained a harsher and more traditional view toward the issue of female inheritance rights while others were more tolerant, and even generous.

As noted, the inheritance laws of Novo-Pokrovskaia township ensured that a widow received a portion of her late husband's patrimony regardless of whether or not she had children.[237] The inheritance rights of Malo-Semenovskaia were similar. The stipulation that a childless widow must prove herself a "good woman" before the village to inherit moveable property reflects her low standing in the township in question.[238] This also applies to those childless widows from the townships of Bol'she-Karaiskaia and Romanovka who

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[237] *Trudy*, VI:586.

[238] *Trudy*, VI:591.

were dependent largely on the mother-in-law.[239] We have also seen that the widow with only a daughter in the townships of Kazachkinskaia, Tri-Ostrovskaia, and Peschanskaia was entitled to, if anything, only "pity".[240] Clearly, dismissing a widow for inheritance because she had a daughter reflects the low value of girls in the village.

Inheritance rights of an unmarried daughter living with her parents were rather similar from township to township with the exception of Peschanskaia. Elsewhere, peasant women had no inheritance rights to their parents' estate. Since the daughter would one day leave the family to marry, peasants saw little reason to provide her with an inheritance. Furthermore, peasant women of a marriageable age were considered a burden on the family economy since they had to be fed and clothed only to marry and become the labourer of another family.[241]

Consequently, only the son was entitled to the parents' property. The daughter might have received a portion of her parent's estate from a generous brother. If not, the daughter would only be entitled to her *kladky* (dowry) upon her marriage.[242] In Peschanskaia, as noted, one-seventh of

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[239] *Trudy*, VI:628;VI:637.

[240] *Trudy*, VI:596; VI:602; VI:620.

[241] Christine Worobec, "Customary Law and Property Devolution among Russian Peasants in the 1870s," *Canadian Slavonic Papers* 26, Nos.2&3 (June-September 1984):223.

[242] *Trudy*, VI:586.

the moveable property of her parents' estate was customarily allotted to her, perhaps reflecting their concern that the daughter not be left financially dependent on the community for support.[243]

The above analysis demonstrates that the role of peasant woman in Balashov district was inconsistent. However, though they lacked the educational and inheritance opportunities of peasant men, women could nonetheless claim the above rights to some extent. The fact that Novo-Pokrovskaia *volost'* housed a school for peasant girls, and that peasant women across the townships were entitled to inheritance rights to varying degrees reflects that peasant society did indeed acknowledge peasant women as valued members. By analyzing the *volost'* court cases themselves this claim can be further substantiated.

The *volost'* court cases will next be examined by utilizing the relationship of peasant women to the *volost'* courts as an indicator of their subsequent role in peasant society.

Volost' court cases involving peasant women and property concerns formed the majority in Balashov *uezd*. The manner in which cases were adjudicated varied. Nonetheless, peasant women were permitted to testify independently in all of the property cases examined. For example, Novo-

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[243] *Trudy*, VI:620. The son was entitled to 6/7 of the parents' moveable property in Peschanskaia *volost'*.

Pokrovskaia *volost'* court heard two cases of peasant women aspiring to ratify legally oral agreements regarding their share of their husband's property.[244] In both cases, by agreeing to recognize their rights to property, the *volost'* court demonstrated that it considered peasant women worthy and capable of having such rights. The cases were not denied, nor were the women required to have a male guardian to act on their behalf.

Property cases involving peasant widows and members of their family were overwhelmingly the most common in Balashov *uezd*. Upon the death of her husband, a peasant woman became immediately vulnerable to the demands of family and villager for a portion of her late husband's property. Even if she had previously been designated as her husband's heir, there was no guarantee that she would necessarily receive such property, especially if it was contested by other parties. The *volost'* court agreed to hear these property cases brought before them by peasant women.

In property cases described in Kazachkinskaia, Tri-Ostrovskaia, and Romanovka townships three factors influenced the court's adjudication of these cases. First, the court recognized that the peasant women involved had a customary right to a portion of their late husband's property which had been wrongfully taken by a family member, who had already been allotted a share of the estate. Second,

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[244] *Trudy*, VI:586;VI:588.

the court perceived the protection of her children's property rights as important. Third, the *volost'* court realized that the peasant woman could subsequently become an economic burden on the township if left without the means to support herself.

The *volost'* court did not always rule in the favour of peasant women regarding property and family. In two cases from Peschanskaia and Bol'she-Karaiskaia townships the court decided in favour of the family members. In both cases, the township court found that both peasant women had already been allotted their share of property, and were subsequently wasting the time of the court by requesting more. Consequently, the ruling favoured the stepfather and stepson, respectively.

As illustrated, property cases were seriously considered by the court because they affected the basis of the village economy. Denying peasant women their property rights could subsequently lead to their dependence on the village for financial support. The township court's approach to peasant women in the above cases involving property illustrates that their role as members of the peasant community, was not dismissed. However, their value to the village and the court stemmed from economic rather than moral concerns.

Abuse cases involving peasant women appeared frequently before the *volost'* court in Balashov district. Cases of

abuse have been divided into physical and verbal, and subsequently by familial or spousal involvement.

The variations which existed in the adjudication of cases involving peasant women at the *volost'* court level is exemplified in two cases of spousal abuse. As noted, when peasant woman U.M complained that she wanted her husband permanently removed from her house because of his violent behaviour,(pp.54-55), the court refused. Instead, the court ordered her to allow her husband back home, and because she brought a case without any evidence to court, she was punished with five days imprisonment. Yet, a similar case in Tri-Ostrovskaia township, regarding the husband's cruelty (pp.60), was approached in a completely different manner by the court.

The punishment of a peasant woman for bringing an unsubstantiated claim before the court, in the above case, illustrates that she was perceived as an independent villager responsible for her actions. But to request a separation from her husband was a serious matter for the township court. Only in severe cases, when the economy of the household or the life of the woman involved appeared to be in jeopardy, did the courts consider such a request seriously. In the above cases, the *volost'* court recognized that a separation was warranted and that a higher court was required. A few months earlier, however, in the same township, a request for separation by a different peasant

woman was flatly denied.[245] Generally, courts were reluctant to allow such separations, other than for the woman's survival. Further, the *volost'* court, while not sanctioning wife abuse, only interfered in severe cases. Otherwise, peasant women were expected to manage privately.

Physical abuse by persons other than family or spouse was also adjudicated by the township court. Thus, in Kazachkinskaia, when the complaints of the violent assault of two *soldatki* was corroborated by witnesses, the *volost'* court ordered the perpetrators punished.[246] In another case, in Peschanskaia, the *volost'* court dismissed a peasant woman's allegations of abuse by a male peasant for lack of sufficient evidence.[247]

Peasant women, therefore, with sufficient evidence were capable of successfully bringing a case to court against a male peasant for physical abuse. This is again indicative of the value of peasant women within the patriarchal peasant village rather than the reverse. If women were not valued as members of peasant society, whether it be for their economic or social function, they would not

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[245] *Trudy,* VI:616.

[246] *Trudy,* VI:599. The court fined the two perpetrators and sentenced them to 20 lashes each from a birch rod. It is interesting that peasant F.'s fine, from an outside township, was considerably higher than that of peasant G. from Kazachkinskaia. Customarily, outsiders of the township-non residents-were treated more harshly by both law and the community in general.

[247] *Trudy,* VI:621.

have been permitted to demand their rights in a court of customary law.

The *volost'* court also heard cases of physical abuse perpetrated by women against women, as illustrated earlier in Tri-Ostrovskaia township.[248] By punishing peasant woman N. with a fine, the *volost'* court treated her as an independent actor responsible for her transgression.[249] Furthermore, the court illustrated the worth of peasant woman S. in the village by taking her claim seriously and subsequently punishing the individual who assaulted her.

Verbal abuse was deemed a serious offense in Balashov district. In both Peschanskaia and Romanovka townships male and female peasants guilty of verbally abusing peasant women were punished severely with fines and community service.[250] Here also, peasant women were allowed to utilize the court, which subsequently punished the perpetrator, regardless of sex. This indicates respect for peasant women as individual members of peasant society.

Theft, especially of livestock and produce, was treated as a serious criminal matter by the *volost'* court, especially since it could potentially hinder the peasants'

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[248] *Trudy,* VI:608.

[249] The *volost'* court tried to avoid fining peasants because it hurt them financially which in turn affected the village economy. Instead, the court preferred to impose community work for women, or lashing for male peasants.

[250] *Trudy,* VI:621;VI:638.

ability to provide for themselves. The *volost'* courts of Tri-Ostrovskaia, Romanovka, and Bol'she-Karaiskaia considered and acted upon the complaints of peasant women regarding theft.[251] For example, the man responsible for stealing seedling potatoes was required to compensate peasant widow K. with potatoes from his field; the thief of peasant woman S.' harness was forced to return it; while the culprit in the theft of peasant woman SH.'s cow, this being the most serious theft next to horse theft in a peasant village, was referred to a higher court of law.[252] The cases illustrate that being female was not a disadvantage in matters deemed vitally important to the economic survival of the peasant village.[253]

When peasant women were the perpetrators of theft, they received due punishment. For example, in the township of Tri-Ostrovskaia, *soldatka* S. was imprisoned for theft.[254] The sentence illustrates that the court recognized S. as an

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[251] *Trudy*, VI:607;VI:634;VI:639.

[252] Ibid.

[253] Theft was considered such a serious crime, especially of livestock, that peasants would take the matter into their own hands by way of *samosud* (lynch law). Christine Worobec and Stephen Frank discuss this phenomena. It was not unknown for horse or cattle thieves to be beaten to death or tortured by the entire village. Christine Worobec, "Horse Thieves and Peasant Justice in Post-Emancipation Imperial Russia," *Journal of Social History* 21 (1987-88):284; Stephen Frank, "Popular Justice,Community and Culture Among the Russian Peasantry, 1870-1900," *Russian Review* 46 (1987):244.

[254] *Trudy*, VI:611.

individual member of the township who was completely responsible for her "delinquency". If the *volost'* court had not considered S. a legal member of the peasant community, it would have blamed her husband, father, or brother for the crime.

By utilizing law as an indicator of the role of peasant women in post-emancipation Saratov it can be ascertained that they were neither silent nor passive observers in the village. Instead, they played an active role, especially in the courts. There is no question that patriarchy was heavily embedded in the traditions and lives of the post-emancipation peasant village. Peasant men continued to dominate village politics, inheritance and property rights. Yet while peasant women understood this patriarchal nature of village life, they were able to use this knowledge to their own advantage.

From the village's perspective, economic concerns predominated. For example, in post-emancipation Russia, economic changes led to an increasingly industrial society, and increased male out-migration. Consequently, the role of women in the village became increasingly important, and the village, and the *volost'* court recognized this. In permitting peasant women an active role in customary law the village was acting out of economic and social necessity. Had peasant women not been allowed to approach the court regarding severe abuse, child care, field work, and general

chores would suffer. The same approach was taken for cases of theft and property. Without access to property peasant women could have become a potential economic burden on the village.

Hence, for reasons of necessity, the village inadvertently recognized the vital role peasant women played in the survival of peasant society. Yet, regardless of the intent, peasant women benefited. They acquired the opportunity to protect their rights by utilizing a legal institution founded in patriarchy and its customs.

The patriarchy of the Russian village, therefore, which has been historically perceived as an overbearing and highly structured institution resistant to change with little or no room for women to play a significant part in its survival, must be reassessed. As illustrated by the court cases involving women, the peasant village, while remaining patriarchally defined, was dynamic, and accommodating. This is illustrated in the village's capability of altering its customs and traditions, even if it was only out of necessity.

Until recently, the inaccessibility of archival materials on the peasantry of Saratov province, and the nineteenth-century Russian Empire as a whole, has limited the scope of study of the village and women. At present, however, a wealth of material on the Russian peasantry, which was previously unknown to exist, such as intact

village assembly records, has been uncovered. Consequently, a more thorough examination of social and legal aspects of the village is now possible. Perhaps, within a few years, the information required to undertake a comprehensive inter-provincial study of the peasantry of the Russian empire will be available to Russian and Western researchers.

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